



**City of Santa Clara
PLANNING COMMISSION
Wednesday, March 14, 2007
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

Prior to the Regular Meeting, there was a Joint Study Session of the Planning Commission and the Historical and Landmarks Commission at 6:00 pm in the City Council Chambers. Study Session Topic: Selection of Preferred Santa Clara Bart Station Architecture (minutes are attached)

REGULAR ITEMS - 7:00 P.M

1. PLEDGE OF ALLEGIANCE and INVOCATION

2. ROLL CALL

The following Commissioners responded to roll call: Chairperson Tony Marine, Commissioners Frank Barcells, Ian Champeny, Karen Hardy, Teresa O'Neill and Mohammed Sarodi.

Commissioner Todd Fitch was excused.

The following staff was present: Assistant City Attorney Susan Cochran, Deputy City Attorney Lindsay Speck, Hazardous Materials Administrator Dave Parker, Fire Inspector Giang Trang Anderson, Director of Planning and Inspection Kevin Riley, Interim Manager of Development Review/Historic Resources Coordinator Gloria Sciara, Civil Engineer II Darrell Mackie, Assistant Planner II Debby Fernandez and Associate Planner Judith Silva.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Ms. Sciara advised those present that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairperson Marine reviewed Planning Commission procedures.

5. REQUESTS FOR WITHDRAWALS AND CONTINUANCES WITHOUT A HEARING

None

6. ITEMS FOR COUNCIL ACTION

The following items will be sent forward to the City Council following the conclusion of hearings and recommendations by the Planning Commission:

Item #8C. File: PLN2007-06230; Location: 2250 El Camino Real

Item #9. File: PLN2004-04458/CEW2004-01024; 3131 Bowers Avenue

Item #10. File: PLN2006-05970 and PLN2006-05994; Location: 1920 Lafayette Street

Item #11. File: PLN2006-06018; Location: 675-679 Monroe Street

7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

None.

8. CONSENT CALENDAR

Routine Items/Consent Calendar

The following Routine Items were approved:

8.A. Planning Commission Minutes of February 14, 2007

Public Hearing Items/Consent Calendar

The following public hearing items were approved, subject to conditions. Items 8.B., 8.D., 8.E, and 8.F. are final unless appealed within 7 days or at the time of City Council review. Agenda Item 8.C. will be heard by City Council on April 3, 2007.

- 8.B.** File: **PLN2006-06165**
Location: 790 Park Court, an 11,760 square foot lot fronting Park Court and Alviso Street, approximately 120 feet north of Newhall Street (APN 269-52-056). Park is zoned RI-6L (Single Family Residential).
Applicants/Owners: Patricia Correnti and Janet Hunter
Request: **Variance** for reduced setbacks, lot size, and parking requirements, in conjunction with a Tentative Parcel Map to divide one lot into two single family residential parcels.
Project Planner: Jeff Schwilk, Associate Planner
- 8.C.** File: **PLN2007-06230**
Location: 2250 El Camino Real, a 43,000 square foot lot on the south side of El Camino Real approximately 135 feet east of Los Padres Boulevard (APN: 290-10-072). Property is zoned PD (Planned Development).
Applicant/Owner: Greg Malley
Request: **Tentative Subdivision Map** to create a single lot subdivision for the construction of 45 condominium units and common area
Project Planner: Debby Fernandez, Assistant Planner
- 8.D.** File: **PLN2007-06241**
Location: 3200 Patrick Henry Drive, a 4.68 acre lot located on the southwest corner of Patrick Henry Drive, abutting Mission College and Calabazas Creek (APN 104-04-014). Property is zoned ML (Light Industrial).
Applicant: Animatics Corporation
Owner: Revx-475
Request: **Use Permit** to allow a Bingo operation in an industrial building.
Project Planner: Yen Chen, Associate Planner
- 8.E.** File: **PLN2007-06242**
Location: 3399 Bowers Avenue, a 0.99 acre parcel located on the south east corner of Bowers Avenue and Augustine Drive (APN 216-45-014). Property is zoned ML (Light Industrial).
Applicant: Allen Arthur
Owner: Equity Office Prop
Request: **Use Permit Amendment** to allow a restaurant with outdoor seating in a ML zoning district
Project Planner: Marge Sung, Planning Intern

Consent Items 8.F was removed from the Consent Calendar for discussion.

8.F. File: **PLN2007-06255**
Location: 2648 Lindentree Lane, a 9,583 square foot lot located on the southwest corner of Lindentree Lane and Tanoak Drive (APN 294-28-013). The property is zoned R1-8L (Single Family Residential).
Applicants/Owners: Dan and Dian Serrano
Request: **Variance** to locate a swimming pool within the corner street side yard setback area on a single-family residential lot, in conjunction with landscape improvements.
Project Planner: Yen Chen, Associate Planner

Summary of Discussion – March 14, 2007

Commissioner Hardy removed this item from the Consent Calendar for clarification of the requirement for variance. In response to her question, Ms. Sciara explained the need for a variance was due to the setback of the swimming pool that was proposed in the required setback area. She clarified that the fence setback was not a variance issue.

The property owner, Dan Serrano, addressed the Commission and noted he was available for questions.

Commission Action – March 14, 2007

It was moved by Commissioner Hardy, seconded by Commissioner Barcells and unanimously carried (Commissioner Fitch excused) to **approve the request for Variance** to locate a swimming pool within the corner street side yard setback area on a single-family residential lot, in conjunction with landscape improvements, subject to conditions.

*****End of Consent Calendar*****

CONTINUED ITEM FROM 2/14/07

9. File: **PLN2004-04458/CEQ2004-01024**
Location: 3131 Bowers Avenue, an 8.0-acre site, on the east side of Bowers Avenue approximately 350 feet south of Scott Boulevard (APN 216-46-001). Property is zoned ML (Light Industrial).
Applicant/Owner: Silicon Valley Christian Assembly
Request: **Certification of Mitigated Negative Declaration; and Use Permit** to allow a church operation through the conversion of two existing office building located in the Light Industrial zone
Project Planner: Debby Fernandez, Assistant Planner II

Summary of Discussion – March 14, 2007

Chairperson Marine advised those present that this item had been continued from the February 14, 2007 meeting for clarifications to the environmental document. He then noted the Commission had already taken public testimony on the Use Permit, however new information would be taken on the environmental portion of this item. Chairperson Marine noted revisions had been made for the Resolution and Mitigation Negative Declaration, and that the conditions and CC&Rs are more reflection of the monitoring of the property owners. He then advised those present that staff was recommending denial of the request as a church is not seen as a compatible use within the core area of the established industrial area of the City.

Mr. Chester Wong stated there was not much potential for sensitive receptors as most of the time spent would be on Sundays.

Dan Hernandez stated he had done the risk analysis and stated he did not feel the surrounding uses are hazardous and the chemicals used in the area contained were not necessarily significant based

on EPA standards.

Linda Callon, ESQ, representing the applicant, noted the technical revisions had been submitted to staff for the Mitigated Negative Declaration. She asked for the opportunity to comment on the new information related to the Use Permit.

The public hearing was then closed.

Dave Parker, Hazardous Materials Administrator for the Santa Clara Fire Department, then addressed the Commission. In response to a question from Commissioner Hardy regarding the consultants downplaying the risks involved and were they adequately addressed, Mr. Parker responded that he felt the concerns had been addressed but that he did not feel comfortable with the risks. Mr. Parker noted the analysis presents a low probability/high consequence event. Mr. Riley added that the mitigation measures are adequate to reduce the risk, but not eliminate it; neither do they eliminate the liability risk of industrial operations in the vicinity.

In response to another question from Commissioner Hardy, Mr. Parker noted the MCA church and school had been turned down by the Planning Commission, but had been overturned by City Council. Mr. Parker then noted several of the industrial and semiconductors in the vicinity of the church and school had moved from Santa Clara. He then noted the other churches in the industrial areas were located on the perimeters of the industrial areas, which include the River of Life Church along Laurelwood Road, and not in the center of an industrial area as was this proposal.

Chairperson Marine noted he had been contacted by a churchperson and had ended the conservation immediately. He further noted he felt that all communication on a development application should be done only in the public arena.

Commissioner Barcells stated expressed concern that allowing a church in an industrial area was precedent setting and his concern for the City's industrial based properties. In response to a question from Commissioner Barcells, Mr. Riley noted other churches on located on the fringes of the industrial zones, with the exception of the MCA School and Church, noting the Planning Commission had not supported this request, but City Council had overturned the denial. Mr. Riley then noted this proposal results in a community service and activity function in the center of a well established industrial zone.

Chairperson Marine then stated that this was a land use decision and that there are property rights at stake for all property owners in the area and that he could not make the findings to support a request that would break up the contiguous uses in this zoning district. The Chairperson then noted there was potential for harm of sensitive receptors and that the church's natural goal is to expand its activities and services to the community. He then noted industrial zones have adult populations that are better suited to respond in emergency situations.

Commissioner Hardy stated she had felt she could support the request, that there was adequate on-site parking, although she was concerned with safety. Commissioner Hardy then stated that, on the down side, the church was tax exempt, that most of the congregation does not live in Santa Clara and that the industrial uses are a large part of the City's tax base. Commissioner Hardy then stated she was uncomfortable with Condition #36 relating to the degree of limitations in church's activity schedule. Mr. Riley noted under the Use Permit, there was an ability to control and place limitations to any level or degree that the City would find appropriate.

Commissioner Champeny then stated there were very limited places for churches and was comfortable supporting the church use in this area.

Commissioner Sarodi stated the church use would be more of a problem in a residential neighborhood.

In response to comments from the Commission, Mr. Riley noted that congregation hours could be

limited per Condition #36 that the youth activities could be restricted so as to not fall between the hours of 8 a.m. – 5 p.m. weekdays, with the exception of vacation bible school.

Commission Action – March 14, 2007 (regarding Mitigated Negative Declaration)

It was moved by Commissioner Hardy, seconded by Commissioner Sarodi and unanimously carried (Commissioner Fitch excused), that based upon the public testimony and staff report to **Adopt the Resolution Adopting the Mitigated Negative Declaration**, subject to conditions.

Commission Action – March 14, 2007 (Use Permit)

It was moved by Commissioner Champeny, seconded by Commissioner Hardy to approve the Use Permit. Motion failed by the following roll call vote for a lack of a majority vote:

Ayes:	Commissioners:	Champeny, Hardy and Sarodi
Noes:	Commissioners:	Barcells, Marine and O'Neill
Excused:	Commissioner:	Fitch

It was then moved by Commissioner Hardy, seconded by Commissioner Sarodi and unanimously carried (Fitch excused) to refer item to City Council with no recommendation by the Planning Commission.

A 5 minute break was then taken.

10.	File:	PLN2006-05970 and PLN2006-05994 (Map)
	Location:	1920 Lafayette Street, an approximately 3.3-acre lot on the west side of Lafayette Street at Reed Street intersection (APN 224-05-089)
	Applicant/Owner:	Garrett Chan/1940 Lafayette Investors, LLC
	Request:	Rezone to PD (ML) Planned Development (Light Industrial) in conjunction with a Tentative Map for single-lot subdivision in order to create 34 commercial condominium units (33 individual condominium units in 3 warehouse/light industrial buildings and one 2-story office building) with shared common area and parking
	Project Planner:	Douglas Handerson, AICP, Associate Planner

Summary of Discussion – March 14, 2007

Ms. Sciara noted that this item had been continued at the February 14, 2007 meeting. She then reviewed the project site and surrounding area, while noting staff was supportive of the proposal, subject to conditions.

James Rowen, representing the applicant, then addressed the Commission. Mr. Rowen noted this project would be enhancing the industrial zone and would maintain the industrial uses along Lafayette Street. He then requested that Condition #28 be amended, as it was difficult to maintain an area adjacent to the Joint Powers Authority property.

The public hearing was then closed.

Chairperson Marine stated he agreed with the applicant that it was difficult to plant in the railroad right-of-way. After some discussion, it was agreed by the Commission to amend Condition #28 to read: *28. The CC&Rs shall establish that the owners' association is responsible for actions to abate all graffiti on site.*

Commission Recommendation – March 14, 2007

It was moved by Commissioner Barcells, seconded by Commissioner Hardy and unanimously carried (Commissioner Fitch excused) that based upon the staff report and public testimony to **recommend City Council approval of the Rezoning to PD (ML) Planned Development (Light Industrial)** in conjunction with a Tentative Map for single-lot subdivision in order to create 34 commercial

condominium units (33 individual condominium units in 3 warehouse/light industrial buildings and one 2-story office building) with shared common area and parking, subject to conditions, including amended Condition #28.

Ms. Sciara noted this item was a recommendation to City Council who would hear this item on April 3, 2007.

REZONING

11. File: **PLN2006-06018**
Location: 675-679 Monroe Street, a 7,500 square foot lot on the east side of Monroe Street, approximately 100 feet south of Santa Clara Street (APN 259-36-022). Property is zoned R2-7L (Duplex).
Applicant/Owners: Donald and Mary Ann Parrot
Request: **Rezone** from R2-7L (Duplex) to PD (Planned Development [R2-7L]) to allow conversion of an existing duplex into two condominium units and construction of a new two-car garage
Project Planner: Debby Fernandez, Assistant Planner II

Summary of Discussion – March 14, 2007

Chairperson Marine stated he would be abstaining from discussion as he resides within 500 feet of the proposal.

Ms. Fernandez reviewed the request while showing slides of the property and surrounding neighborhood. She noted the project involves the conversion of an existing duplex into two condominium units and the construction of a single vehicle carport and one car garage attached to an existing two-car garage at the rear of the property. She also noted that a Tentative Map to create a single lot subdivision with two condominium units would be required should the rezoning be approved.

Commissioner Hardy stated that the second proposal has extensive paving. Ms. Fernandez responded that pavers would be used for aesthetic values and that open space is provided. She then distributed 6 letters of support.

The property owner, Donald Parrot then addressed the Commission. He stated he had the neighborhood support and would be investing a considerable amount of money into this property.

Commission Recommendation – March 14, 2007

It was moved by Commissioner Barcells, seconded by Commissioner O'Neill and unanimously carried (Fitch excused and Marine abstained) that based upon the staff report and public testimony to **recommend City Council approval of the Rezoning** from R2-7L (Duplex) to PD (Planned Development [R2-7L]) to allow conversion of an existing duplex into two condominium units and construction of a new two-car garage, subject to conditions.

Ms. Sciara noted this item was a recommendation to City Council who would hear this item on April 3, 2007.

12. OTHER BUSINESS

Commission Procedures and Staff Communications

Public comment on these items may be limited to one minute, at discretion of the Chair

a. Announcements/Other Items

BART Project update and Santa Clara Station Area Plan and BART Project update. There was no discussion on this item and item was continued to next available Planning Commission meeting.

BART Station Architecture

The Commissioners made the following individual responses regarding the Santa Clara Station Area Plan and the architectural renderings of the BART project presented at tonight's meeting:

- Commissioner Champeny: appreciated being given options and liked the plan proposed at tonight's meeting.
- Commissioner Marine: no strong feelings on the proposed architecture proposed.
- Commissioner Hardy: liked the idea of the etchings on the building front and the view of the historic railroad station. She stated she also liked the idea of something new to go with the old.
- Commissioner Sarodi: stated he preferred the rendering presented at tonight's meeting.
- Commissioner O'Neill: stated she did not like the wings on the building but generally liked the vaulting proposed and felt the design was interesting.
- Commissioner Barcells: stated he felt rapid transit was important for the City and had no problems with the design.

b. Report of the Director of Planning and Inspection

- City Council actions
- Commission/Board Liaison and Committee Report

c. Commission Procedures

- Planning Procedures
- Workplan items
- Memo regarding Possible topics for Joint Meeting between Planning Commission and City Council: Discussion (attached)
Chairperson Marine requested the Commissioners review staff's memo containing possible topics for discussion and bring back comments for the April 11th Planning Commission meeting.

13. ADJOURNMENT

As there was no further business, the meeting was adjourned at 9:26 p.m.

Respectfully submitted:

Judith Silva
Associate Planner

Approved:

Gloria Sciara, AICP
Interim Manager of Development Review/
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Kevin L. Riley, AICP
Director of Planning & Inspection